

EXHIBIT 3

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From: **Matthew Butterick** <mb@mbtype.com>

Date: Thu, Nov 3, 2022 at 1:28 PM

Subject: the GitHub Copilot lawsuit has been filed

To: REDACTED

About two weeks ago [I told you](#) that I had teamed up with the amazingly excellent class-action litigators Joseph Saveri, Cadio Zirpoli, and Travis Manfredi at the [Joseph Saveri Law Firm](#) to investigate GitHub Copilot.

Today, we've filed a class-action lawsuit in US federal court in San Francisco, CA on behalf of a proposed class of possibly millions of GitHub users. We are challenging the legality of GitHub Copilot (and a related product, OpenAI Codex, which powers Copilot). The suit has been filed against a set of defendants that includes GitHub, Microsoft (owner of GitHub), and OpenAI.

The initial complaint is available here:

<https://githubcopilotlitigation.com>

This is the first step in what will be a long journey. As far as we know, this is the first class-action case in the US challenging the training and output of AI systems. It will not be the last. AI systems are not exempt from the law. Those who create and operate these systems must remain accountable. If companies like Microsoft, GitHub, and OpenAI choose

to disregard the law, they should not expect that we the public will sit still. AI needs to be fair & ethical for everyone. If it's not, then it can never achieve its vaunted aims of elevating humanity. It will just become another way for the privileged few to profit from the work of the many.

We plan to update [the website](#) regularly during the litigation. Those who like Twitter can also follow [@copilotcase](#).

[MB XS](#) by Matthew Butterick

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